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 2 PATRICK R. CO, ESQ. BAR #: 200160
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9 Attorneys for Defendant
 10 THE TOWN OF ATHERTON

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JONATHAN B. BUCKHEIT,

14 Plaintiff,

15 v.

16 TONY DENNIS; DEAN DEVLUGT;
 17 ANTHONY KOCKLER; THE TOWN OF
 18 ATHERTON; THE COUNTY OF SAN
 19 MATEO; and DOES 1-500, inclusive,

20 Defendants.

CASE NO.: CV09-5000 JCS

**STIPULATION AND (proposed) ORDER
 TO ALLOW COUNSEL TO SERVE AND
 VIEW DOCUMENTS FILED UNDER
 SEAL IN SUPPORT OF THE PARTIES'
 MOTIONS FOR SUMMARY
 JUDGMENT**

21 WHEREAS, plaintiff and defendants have filed summary judgement motions;

22 WHEREAS, plaintiff and defendants wished to attach as exhibits in support of their
 23 respective motions the subject police report and related documents, and other documents subject to
 24 a superior court sealing order;

25 WHEREAS the court has granted the respective parties' Administrative Motions to permit
 26 them to file under seal various exhibits in support of their respective summary judgment motions;

27 WHEREAS the parties agree that each of the parties' counsel must be allowed to view the
 28 documents filed under seal in order to adequately oppose and respond to the motions for summary
 judgment;

STIPULATION AND ORDER TO ALLOW COUNSEL TO SERVE
 AND VIEW DOCUMENTS FILED UNDER SEAL IN SUPPORT
 OF THE PARTIES' MOTIONS FOR SUMMARY JUDGMENT
 CASE NO.: CV09-5000 JCS

1 WHEREAS the requested relief is necessary and narrowly tailored to protect the alleged
2 confidentiality of the documents filed under seal, until such time the Court makes a final ruling as
3 to the confidentiality and admissibility of those documents for trial;

4 NOW THEREFORE IT IS HEREBY STIPULATED by the parties, through their
5 respective counsel of record:

6 That the parties shall serve each other with the respective exhibits filed under seal;

7 That the parties' attorneys shall be allowed to view and use the documents filed under seal
8 for purposes of opposing and responding to the motions for summary judgment.

9 IT IS SO STIPULATED.

10 DATED: December 21, 2011

CLAPP, MORONEY, BELLAGAMBA,
VUCINICH, BEEMAN and SCHELEY

11 /S/

12 By: _____
13 PATRICK R. CO
14 Attorneys for Defendant
TOWN OF ATHERTON

15 DATED: December 21, 2011

CARY & CAREY

16 /S/

17 By: _____
18 ROBERT CAREY, JR.
19 Attorneys for Plaintiff
JONATHAN B, BUCKHEIT

20 DATED: December 21, 2011

HOWARD, ROME, MARTIN & RIDLEY LLP

21 /S/

22 By: _____
23 JOSEPH C. HOWARD
24 Attorneys for Defendants,
25 DEAN DEVLUGT, TONY DENNIS,
26 ANTHONY KOCKLER

27 DATED: December 21, 2011

COUNTY OF SAN MATEO,
COUNTY COUNSEL'S OFFICE

28 /S/

By: _____
BRIAN J. WONG
Attorneys for Defendant,
COUNTY OF SAN MATEO

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ORDER

Having considered the Stipulation to Serve and View Documents Filed Under Seal in Support of the Parties' Motions for Summary Judgment, and good cause appearing,

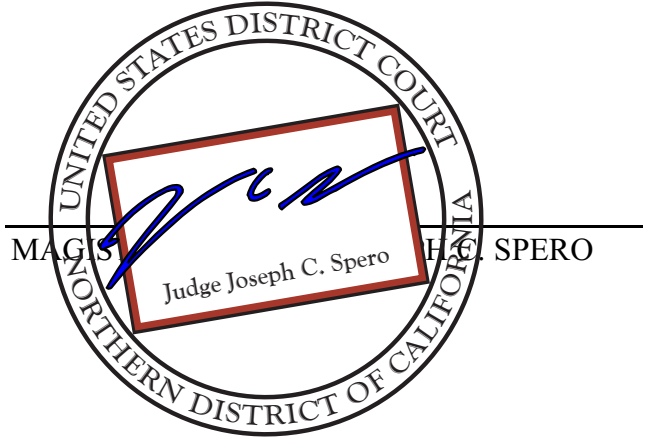
IT IS HEREBY ORDERED THAT:

The parties shall immediately serve each other with documents filed under seal in support of their respective motions for summary judgment, and that all of the parties' attorneys shall be allowed to view and use those documents for purposes of opposing and responding to the summary judgment motions.

IT IS SO ORDERED.

Dated: 12/22/11

By: _____



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JONATHAN BUCKHEIT v. TOWN OF ATHERTON, et al.
 United States District Court, Northern District of California Case No. CV09-5000 JCS

PROOF OF SERVICE - Civil
 [Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

METHOD OF SERVICE:

- By Personal Service By Mail By Overnight Delivery
 By Messenger Service By Facsimile By E-Mail/Electronic

Transmission

1. I am a citizen of the United States and am employed in the County of San Mateo, State of California. I am over the age of 18 years and not a party to the within action.
2. My place of employment is 1111 Bayhill Drive, Suite 300, San Bruno, California 94066.
3. On the date set forth below, I caused to be served a true and correct copy of the document described as:

STIPULATION AND (proposed) ORDER TO ALLOW COUNSEL TO SERVE AND VIEW DOCUMENTS FILED UNDER SEAL IN SUPPORT OF THE PARTIES' MOTIONS FOR SUMMARY JUDGMENT

4. I served the document on the persons below, as follows:

Robert E. Carey, Jr., Esq. Jerry Y. Fong, Esq. Carey & Carey 706 Cowper Street P.O. Box 1040 Palo Alto, CA 94302-1040 Tel: (650) 328-5510 Fax: (650) 853-3632 email: rec@careyandcareylaw.com email: jf@careyandcareylaw.com <u>Attorneys for Plaintiff JONATHAN BUCKHEIT</u>	John Houston Scott, Esq. Scott Law Firm 1388 Sutter Street, Suite 715 San Francisco, CA 94109 Tel: (415) 561-9600 Fax: (415) 561-9609 email: john@scottlawfirm.net <u>Attorneys for Plaintiff JONATHAN BUCKHEIT</u>
Joseph C. Howard, Jr., Esq. Howard, Rome, Martin & Ridley, LLP 1775 Wodside Road, Suite 200 Redwood City, CA 94061-3436 Direct: (650) 980-1029 Tel: (650) 365-7715 ext. 219 Fax: (650) 364-5297 email: JHOWARD@hrmlaw.com <u>Attorneys for Defendants TONY DENNIS; DEAN DeVLUGT; and ANTHONY KOCKLER</u>	Brian J. Wong, Esq. Office of the County Counsel 400 County Center, 6th Floor Redwood City, CA 94063 Tel: (650) 363-1960 Fax: (650) 363-4034 email: bwong@co.sanmateo.ca.us <u>Attorneys for COUNTY OF SAN MATEO</u>

1 5. The document was served by the following means (specify):

2 a. **BY PERSONAL SERVICE.** I personally delivered the documents to the
3 persons at the addresses listed in item 4. (1) For a party represented by an
4 attorney, delivery was made to the attorney or at the attorney's office by leaving
5 the documents in an envelope or package clearly labeled to identify the attorney
6 being served with a receptionist or an individual in charge of the office. (2) For
7 a party, delivery was made to the party or by leaving the documents at the
8 party's residence with some person not less than 18 years of age between the
9 hours of eight in the morning and six in the evening.

10 b. **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope
11 or package addressed to the persons at the addresses in item 4 and (specify
12 one):

13 (1) deposited the sealed envelope with the United States Postal Services,
14 with the postage fully prepaid.

15 (2) placed the envelope for collection and mailing, following our ordinary
16 business practices. I am readily familiar with this business's practice
17 for collecting and processing correspondence for mailing. On the same
18 day that correspondence is placed for collection and mailing, it is
19 deposited in the ordinary course of business with the United States
20 Postal Service, in a sealed envelope with postage fully prepaid.

21 I am resident or employed in the County where the mailing occurred. The envelope or package
22 was placed in the mail at San Bruno, California, County of San Mateo.

23 c. **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope
24 or package provided by an overnight delivery carrier and addressed to the
25 persons at the addresses in item 4. I place the envelope or package for
26 collection and overnight delivery at an office or a regularly utilized drop box
27 of the overnight delivery carrier.

28 d. **BY MESSENGER SERVICE.** I served the documents by placing them in
an envelope or package addressed to the persons at the addresses listed in item
4 and providing them to a professional messenger service for service.

e. **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept
service by fax transmission, I faxed the documents to the persons at the fax
numbers listed in item 4. No error was reported by the fax machine that I used.
A copy of the record of the fax transmission, which I printed out, is attached.

f. **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court
order or an agreement of the parties to accept service by e-mail or electronic
transmission, I caused the documents to be sent to the persons at the email addresses
listed in item 4. I did not receive, within a reasonable time after the transmission, any
electronic message or other indication that the transmission was unsuccessful.

(State) I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

(Federal) I declare that I am employed in the offices of a member of the bar of this court at

1 whose direction this service was made. I declare under penalty of perjury that the foregoing is true and
2 correct.

3 Executed on December 21, 2011, at San Bruno, California.

4 /S/

5 Claudia Gomez
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25 *Proof of Service - Civil*
26 *[Code of Civ.Proc. §§ 1011, 1013, 1013a, 2015.5]*
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